

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Eric Krischke on April 8, 2009.

The application has been amended as follows: [clean copy of all pending claims]

**Claim 1** (currently amended). An escutcheon for an appliance door assembly, said escutcheon comprising:

a front edge and a rear edge horizontally spaced from said front edge, said front and rear edges vertically depending from an escutcheon upper surface;

a control panel mounting portion comprising a mounting surface and a lower edge, said control panel mounting portion extending upwardly and inwardly from said lower edge and between said front and rear edges, said control panel mounting portion including a plurality of openings therethrough;

a plurality of formations downwardly depending from said lower edge, said plurality of formations comprising:

a flange and a lip in combination defining a retaining slot configured to receive an appliance door panel such that said appliance door panel and said lower edge form a substantially flush surface; and

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a plurality of positioning ribs, each rib of said plurality of positioning ribs having a portion extending into said retaining slot configured to engage the appliance door panel and a reinforcing section extending from said flange and away from said retaining slot ~~and configured to engage the appliance door panel, said plurality of positioning ribs comprising a reinforcing section~~ configured to prevent flexing of said plurality of positioning ribs.

Claim 2 (canceled).

**Claim 3** (currently amended). An escutcheon in accordance with Claim 1 wherein the appliance door panel comprises an outer panel with a curved outer surface, said plurality of positioning ribs arranged beneath said lower edge to approximately match the curvature of the outer panel.

**Claim 4** (currently amended). An escutcheon in accordance with Claim 1 wherein each of said plurality of positioning ribs further comprises a guide surface extending at an acute angle with respect to a said lip at least partially defining said slot.

Claim 5 (previously presented). An escutcheon in accordance with Claim 4 wherein each of said plurality of positioning ribs further comprises a panel engagement portion extending from said guide surface defining said retaining slot.

Claim 6 (original). An escutcheon in accordance with Claim 1 further comprising a curved front face extending beneath said lower edge.

**Claim 7** is cancelled.

Claim 8 (canceled).

**Claims 9-20** are cancelled.

Claim 21 (previously presented). An escutcheon in accordance with Claim 1 wherein said flange extends at an acute angle from said lip.

***Election/Restrictions***

2. Claims 3 & 6 are allowable. The restriction requirement among the species, as set forth in the Office action mailed on December 27, 2002, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a).

**The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claim 3 & 6, directed to the curved face is no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

3. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/  
Primary Examiner, Art Unit 3637

JOH  
April 8, 2009